

AMENDED IN SENATE APRIL 17, 2007

AMENDED IN SENATE MARCH 27, 2007

SENATE BILL

No. 725

Introduced by Senator Alquist

February 23, 2007

~~An act to amend Section 1279 of the Health and Safety Code, relating to health facilities. An act relating to developmental services.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 725, as amended, Alquist. ~~Health facilities: periodic inspections. Agnews Developmental Center closure: outpatient clinic.~~

Existing law requires that, whenever the State Department of Developmental Services proposes the closure of a state developmental center, it submit a detailed plan to the Legislature no later than April 1 of the preceding fiscal year.

Existing law authorizes the department to operate any facility, to provide its employees to assist in the operation of any facility, or to provide any other necessary services and supports if the department determines that the activity will assist in meeting the goal of the orderly closure of Agnews Developmental Center.

Existing law exempts from clinic licensure requirements any outpatient clinic that is conducted, operated, or maintained as an outpatient department of a hospital.

This bill would state the intent of the Legislature to subsequently amend this bill to include provisions that would: (1) enhance opportunities, at the Agnews Developmental Center outpatient clinic for clinicians in the South Bay, Peninsula, and East Bay communities to receive training to make services for adults with developmental disabilities more effective; (2) to ensure that specialized health and

dental services currently available through the outpatient clinic continue to be provided as a regional resource to consumers served by all regional centers; (3) to ensure continued operation of the outpatient clinic at Agnews Developmental Center until July 1, 2012, notwithstanding the closure of Agnews Developmental Center; and (4) to ensure the orderly transition of those services if the outpatient clinic is unable to continue its licensure at the present location.

~~Under existing law, the State Department of Health Services regulates the licensure and operation of health facilities. Existing law requires the department to conduct periodic inspections of every health facility for which a license or special permit has been issued, as specified. Existing law authorizes the department to conduct joint periodic inspections with entities under contract with the department, and if it does so, requires the department to conduct an additional periodic inspection that is not announced or noticed to the health facility if the entity with which it joins to conduct the joint inspection provides notice to the health facility in advance of the periodic inspection.~~

~~Effective July 1, 2007, responsibility for the above-mentioned provisions will be transferred to the State Department of Public Health.~~

~~This bill would require the department, if it conducts a joint inspection with an entity that provides notice to the health facility in advance of the joint inspection, to conduct its additional periodic inspection before the announcement of that joint inspection, if reasonably feasible.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes/no. State-mandated local program: no.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. *It is the intent of the Legislature to subsequently*
- 2 *amend this act to include provisions that would accomplish all of*
- 3 *the following:*
- 4 (a) *Enhance the authorization of the outpatient clinic at Agnews*
- 5 *Developmental Center to include opportunities for clinicians in*
- 6 *the South Bay, Peninsula, and East Bay communities to receive*
- 7 *training on strategies and techniques that are known to make*
- 8 *services to adult consumers with developmental disabilities more*
- 9 *effective.*
- 10 (b) *Ensure that specialized health and dental services currently*
- 11 *available through the outpatient clinic at Agnews Developmental*
- 12 *Center continue to be provided as a regional resource to consumers*

1 *served by all regional centers as well as the current residents of*
2 *Agnews Developmental Center.*

3 *(c) Ensure the continued operation of the outpatient clinic*
4 *services currently provided as a regional resources at Agnews*
5 *Developmental Center until July 1, 2012, notwithstanding the*
6 *closure of Agnews Developmental Center.*

7 *(d) Ensure the orderly transition of the outpatient clinic services*
8 *to a specially designated setting accessible to consumers in the*
9 *region, if the outpatient clinic's licensure cannot continue in its*
10 *present location beyond July 1, 2012.*

11 ~~SECTION 1. Section 1279 of the Health and Safety Code, as~~
12 ~~amended by Section 3 of Chapter 895 of the Statutes of 2006, is~~
13 ~~amended to read:~~

14 ~~1279. (a) Every health facility for which a license or special~~
15 ~~permit has been issued shall be periodically inspected by the~~
16 ~~department, or by another governmental entity under contract with~~
17 ~~the department. The frequency of inspections shall vary, depending~~
18 ~~upon the type and complexity of the health facility or special~~
19 ~~service to be inspected, unless otherwise specified by state or~~
20 ~~federal law or regulation. The inspection shall include participation~~
21 ~~by the California Medical Association consistent with the manner~~
22 ~~in which it participated in inspections, as provided in Section 1282~~
23 ~~prior to September 15, 1992.~~

24 ~~(b) Except as provided in subdivision (c), inspections shall be~~
25 ~~conducted no less than once every two years and as often as~~
26 ~~necessary to ensure the quality of care being provided.~~

27 ~~(c) For a health facility specified in subdivision (a), (b), or (f)~~
28 ~~of Section 1250, inspections shall be conducted no less than once~~
29 ~~every three years, and as often as necessary to ensure the quality~~
30 ~~of care being provided.~~

31 ~~(d) During the inspection, the representative or representatives~~
32 ~~shall offer such advice and assistance to the health facility as they~~
33 ~~deem appropriate.~~

34 ~~(e) For acute care hospitals of 100 beds or more, the inspection~~
35 ~~team shall include at least a physician, registered nurse, and persons~~
36 ~~experienced in hospital administration and sanitary inspections.~~
37 ~~During the inspection, the team shall offer advice and assistance~~
38 ~~to the hospital as it deems appropriate.~~

39 ~~(f) The department shall ensure that a periodic inspection~~
40 ~~conducted pursuant to this section is not announced in advance of~~

1 the date of inspection. An inspection may be conducted jointly
2 with inspections by entities specified in Section 1282. However,
3 if the department conducts an inspection jointly with an entity
4 specified in Section 1282 that provides notice in advance of the
5 periodic inspection, the department shall conduct an additional
6 periodic inspection that is not announced or noticed to the health
7 facility, which shall occur before the announcement of the joint
8 inspection, if reasonably feasible.
9 (g) Notwithstanding any other provision of law, the department
10 shall inspect for compliance with provisions of state law and
11 regulations during a state or federal periodic inspection, including,
12 but not limited to, an inspection required under this section.